

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARYANN BUTLER and AUDURY PETIE DAVIS,

Plaintiffs,

v.

NEW AMERICAN FUNDING, et al.,

Defendants.

Case No. 1:25-cv-690

FILED
HARRISBURG, PA

JUL 21 2025

PER MA
DEPUTY CLERK

**JUDICIAL NOTICE OF ACTIVE APPELLATE ESCALATION AND EXHIBIT
FILING**

Plaintiffs respectfully file this Judicial Notice to preserve and reaffirm their ongoing appellate escalation efforts while simultaneously requesting that the Court take judicial notice of all supplemental materials transmitted to the United States Court of Appeals for the Third Circuit.

I. BACKGROUND AND PURPOSE

1. Plaintiffs have filed a Notice of Appeal to the Third Circuit due to material prejudice, procedural irregularities, and imminent third-party harm resulting from continued inaction in this matter.
2. This appeal is necessary not to interfere with Rule 55(b) default proceedings, but to preserve and assert all rights, claims, and evidentiary findings already on record. Plaintiffs maintain that this Court may still grant immediate default relief.
3. As of July 21, 2025, Plaintiffs have filed with the Third Circuit: (a) a Notice of Appeal; (b) a Motion to Proceed In Forma Pauperis; and (c) a packet of supporting exhibits referenced in the Verified Curative Complaint and related filings.

II. EXHIBIT PRESERVATION AND RECORD INCORPORATION

Plaintiffs reaffirm that all exhibits previously filed in this matter including but not limited to those specifically listed below are hereby preserved and incorporated by reference for the purposes of both district court adjudication and appellate review. Every exhibit submitted in this record contains material facts relevant to misconduct, procedural prejudice, and real-world third-party harm. Plaintiffs expressly request judicial notice of the full evidentiary record, including all exhibits attached to the Verified Curative Complaint, prior Judicial Notices, and all supplemental filings.

Highlighted Exhibits:

- Exhibit O – Full off-portal loan documentation file.
- Exhibit Y – Amy Dale’s strategic leave of absence.
- Exhibit F2 – USB recording (including voicemail audio).
- Exhibit E – CFPB misrepresentation by Amy Dale.
- Exhibit D – Initial email bounce-back.
- Exhibit D2 – Legal preservation notice bounce-back.
- Exhibit P – Risk escalation and contract interference timeline.
- Supplemental Exhibit A – Roofing contract triggering third-party legal threats.
- Exhibit 4 & Exhibit 5 – Enrico Arvielo’s licensing and regulatory discrepancies (NMLS & PA Dept. of State).
- Exhibit X.1 – Notice of Appeal (July 21, 2025).
- Exhibit X.2 – USPS proof of mailing to Third Circuit.

III. ONGOING HARM, DUE PROCESS, AND APPELLATE NOTICE

The imminent third-party harm described in multiple filings including ongoing contract enforcement actions and a 30-day notice of property sale is now compounded by procedural prejudice. The Court's July 11 Order struck operative filings (ECF Nos. 3, 5, 7–10, 12, 15, 18, 20–23, 25–26, 28–29, 32–36) while leaving Defendant's filings (ECF No. 31) and Plaintiffs' un rebutted amendment motion (ECF No. 19) active and unresolved. Plaintiffs hereby preserve these docket discrepancies for appellate review.

IV. REQUEST FOR NOTICE AND RECORD ENTRY

Plaintiffs respectfully request that this Judicial Notice and all exhibits cited herein be:

- Entered into the district court record;
 - Formally acknowledged by this Court as part of the ongoing Rule 55(b) proceedings; and
 - Deemed incorporated for preservation in the pending appeal to the United States Court of Appeals for the Third Circuit.
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Respectfully submitted,

/s/ Audury Petie Davis - 

Audury Petie Davis

2041 Greenwood Street

Harrisburg, PA 17104

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Authorized Representative for Maryann Butler

Date: July 21, 2025

CERTIFIED MAIL



9589 0710 5270 2972 4062 45

Retail



19106

RDC 99

U.S. POSTAGE PAID
FCM LG ENV
HARRISBURG, PA 17111
JUL 21, 2025

\$12.42

S2324W501488-02

TO:

United States Court of Appeals For 3rd Circuit

21400 U.S. Courthouse

601 MARKET ST

Phila PA 19106

Ready **P**ost.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA

Maryann Butler and Audury Petie Davis,

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Exhibit X

Proof of Mailing to Third Circuit Court of Appeals

The following exhibit is submitted in support of Plaintiffs' Judicial Notice of Appellate Escalation and consists of official USPS tracking receipt and mailing documentation verifying that Plaintiffs have transmitted a pre appeal packet to the Clerk of Court for the United States Court of Appeals for the Third Circuit on July 21, 2025.

This filing serves as evidence of formal notice and appellate escalation.